
SENATE CONCURRENT RESOLUTION

REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO INITIATE
RESCHEDULING PROCEEDINGS TO REMOVE MARIJUANA FROM SCHEDULE
I OF THE FEDERAL CONTROLLED SUBSTANCES ACT.

1 WHEREAS, the structure of our government allows for the
2 distribution of power between the states and the federal
3 government; and
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5 WHEREAS, a power that remains with the states is the
6 authority to accept the medical use of controlled substances;
7 and
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9 WHEREAS, Hawaii lawfully exercised its authority to accept
10 the medical use of marijuana in 2000, when it created the
11 State's medical marijuana program and accepted the medical use
12 of marijuana in treatment; and
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14 WHEREAS, under the federal Controlled Substances Act,
15 scheduling under schedule I requires several findings, one of
16 which is that the drug or controlled substance has no currently
17 accepted medical use in treatment in the United States; and
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19 WHEREAS, marijuana does not satisfy that finding to be
20 scheduled as a schedule I controlled substance, as medical use
21 of marijuana in treatment currently exists and is accepted in
22 the United States, including Hawaii; and
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24 WHEREAS, the Drug Enforcement Administration, the agency
25 that administers the federal regulation of controlled
26 substances, may not deny a State's authority to change the
27 status of a controlled substance that has a currently accepted
28 medical use in treatment; and
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30 WHEREAS, the Drug Enforcement Administration, by enforcing
31 an obsolete regulation that classifies marijuana as a federal



1 schedule I controlled substance and ignoring the currently
2 accepted medical use of marijuana in treatment that exists in
3 the United States, including Hawaii, is preventing Hawaii from
4 creating a state regulated distribution system that complies
5 with federal law; now, therefore,

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7 BE IT RESOLVED by the Senate of the Twenty-eighth
8 Legislature of the State of Hawaii, Regular Session of 2015, the
9 House of Representatives concurring, that the Drug Enforcement
10 Administration is requested to abide by the federal Controlled
11 Substances Act and initiate rescheduling proceedings to remove
12 marijuana from schedule I of the federal Controlled Substances
13 Act; and

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15 BE IT FURTHER RESOLVED that the Department of Health is
16 requested to file a formal petition with the Drug Enforcement
17 Administration within thirty days of the adoption of this
18 measure, requesting that marijuana and its intrinsic
19 cannabinoids be removed from federal schedule I and rescheduled
20 based on the State's authority to accept the medical use of
21 marijuana and the currently accepted medical use of marijuana in
22 treatment that exists in the United States, including Hawaii;
23 and

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25 BE IT FURTHER RESOLVED that certified copies of this
26 Concurrent Resolution be transmitted to the Administrator of the
27 Drug Enforcement Administration, Attorney General of the United
28 States, Secretary of Health and Human Services, Governor,
29 Director of Health, Director of Public Safety, and State
30 Attorney General.

